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EXAMINER

SHANNON, MICHAEL R

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2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/809,770	Applicant(s) VASILEVSKY ET AL.	
	Examiner Michael R Shannon	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/26/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-18, 20-28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Mankovitz US patent 5,512,963, cited by examiner.

Regarding claim 1, the claimed television program distribution arrangement for use in connection with a server in a home area network is met as follows:

- The claimed television programming information receiver module configured to receive television programming information from a plurality of sources is met by the Splitter 102, which serves to receive programming from connection 110 [Fig. 4].
- The claimed television programming information assembler module configured to assemble the television programming information as received by the television programming information receiver module into a unitary set of channels for transmission over the local link is met by Combiner 108, which serves to assemble the frequencies and combine the television programming for transmission [Fig. 4].
- The claimed control module configured to control the television programming information receiver module and the television programming

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information assembler module is met by the inherent control over the reception and combining as discussed in column 4, lines 35-65.

Regarding claim 2, the claimed source providing television programming information over a unitary set of channels, the television programming information assembler module being configured to remove at least some of the television programming information from at least one of the channels and substitute television programming information from another of the sources in the at least one of the channels is met by the Notch Filter 104 in Conjunction with the Band Pass Filter 106 and Combiner 108, which all serve to filter out an unwanted channel and substitute that channel with another source of video programming [Fig. 2C and col. 5, lines 59-67].

Regarding claim 3, the claimed at least one of the channels being selectable in response to channel selection information from a user is met by the Remote Controller's 24 ability to select a channel via user input [col.3, lines 24-30].

Regarding claim 4, the claimed one of the sources being a local programming source is met by Antenna 90, which broadcasts local programming to the user-end [col. 6, lines 1-10].

Regarding claim 5, the claimed one of the sources being a cable television programming provider is met by Cable 92 [Fig. 8A].

Regarding claim 6, the claimed one of the sources being a satellite television programming provider is met by Satellite Antenna 94 [Fig. 8B].

Regarding claim 7, the claimed one of the sources being a pre-recorded television programming information source is met by VCR 6, which serves to record information received over Cable 92 and provide it as an information source later [Fig. 6].

Regarding claim 8, the claimed pre-recorded television programming information source being a videocassette recorder is met by VCR 6 [Fig. 6].

Regarding claim 10, the claimed television information storage module, the control module being further configured to selectively enable television programming information received by the television programming information receiver module from one of the sources to be stored in the television programming information storage module, and thereafter retrieved from the television programming information storage module and provided to the television programming information assembler module for use by the television programming information receiver module in assembling the television programming information is met by the VCR 70 of Figure 6, which serves to record programming information for later integration into the signal via the combiner 108.

Regarding claim 11, the claimed method of controlling a server in a home area network to provide television programming information over a local video link is met as follows:

- The claimed step of receiving television programming information from a plurality of sources is met by the Splitter 102, which serves to receive programming from connection 110 [Fig. 4].

- The claimed step of assembling the television programming information as received by the television programming information receiver module into a unitary set of channels for transmission over the local link is met by Combiner 108, which serves to assemble the frequencies and combine the television programming for transmission [Fig. 4].

Regarding claim 12, the claimed step of providing television programming information over a unitary set of channels, the television programming information assembling step including the steps of removing at least some of the television programming information from at least one of the channels and substituting television programming information from another of the sources in the at least one of the channels is met by the Notch Filter 104 in Conjunction with the Band Pass Filter 106 and Combiner 108, which all serve to filter out an unwanted channel and substitute that channel with another source of video programming [Fig. 2C and col. 5, lines 59-67].

Regarding claim 13, the claimed step of at least one channel being selectable in response to channel selection information from a user, the television programming information assembling step including the steps of receiving the channel selection information and using the channel selection information in assembling the television programming information is met by the Remote Controller's 24 ability to select a channel via user input [col.3, lines 24-30].

Regarding claim 14, the claimed one of the sources being a local programming source is met by Antenna 90, which broadcasts local programming to the user-end [col. 6, lines 1-10].

Regarding claim 15, the claimed one of the sources being a cable television programming provider is met by Cable 92 [Fig. 8A].

Regarding claim 16, the claimed one of the sources being a satellite television programming provider is met by Satellite Antenna 94 [Fig. 8B].

Regarding claim 17, the claimed one of the sources being a pre-recorded television programming information source is met by VCR 6, which serves to record information received over Cable 92 and provide it as an information source later [Fig. 6].

Regarding claim 18, the claimed pre-recorded television programming information source being a videocassette recorder is met by VCR 6 [Fig. 6].

Regarding claim 20, the claimed television information storage step of selectively storing television programming information received by the television programming information receiver module from one of the sources in a television programming information storage module and a television program information retrieval step of retrieving previously-recorded television programming information from the television programming information storage module for use in assembling the television programming information during the television programming information assembling step are met by the VCR 70 of Figure 6, which serves to record programming information for later integration into the signal via the combiner 108.

Regarding claim 21, the claimed computer program product for use in connection with a programmable device to provide a television program distribution arrangement for use in connection with a server in a home area network, the television program

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distribution arrangement being configured to distribute television programming over a local video link is met as follows:

- The claimed television programming information receiver module configured to enable the device to receive television programming information from a plurality of sources is met by the Splitter 102, which serves to receive programming from connection 110 [Fig. 4].
 - The claimed television programming information assembler module configured to enable the device to assemble the television programming information as received by the television programming information receiver module into a unitary set of channels for transmission over the local link is met by Combiner 108, which serves to assemble the frequencies and combine the television programming for transmission [Fig. 4].
 - The claimed control module configured to enable the device to control the television programming information receiver module and the television programming information assembler module is met by the inherent control over the reception and combining as discussed in column 4, lines 35-65.
-

Regarding claim 22, the claimed source providing television programming information over a unitary set of channels, the television programming information assembler module being configured to enable the device to remove at least some of the television programming information from at least one of the channels and substitute television programming information from another of the sources in the at least one of

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the channels is met by the Notch Filter 104 in Conjunction with the Band Pass Filter 106 and Combiner 108, which all serve to filter out an unwanted channel and substitute that channel with another source of video programming [Fig. 2C and col. 5, lines 59-67].

Regarding claim 23, the claimed at least one of the channels being selectable in response to channel selection information from a user is met by the Remote Controller's 24 ability to select a channel via user input [col.3, lines 24-30].

Regarding claim 24, the claimed one of the sources being a local programming source is met by Antenna 90, which broadcasts local programming to the user-end [col. 6, lines 1-10].

Regarding claim 25, the claimed one of the sources being a cable television programming provider is met by Cable 92 [Fig. 8A].

Regarding claim 26, the claimed one of the sources being a satellite television programming provider is met by Satellite Antenna 94 [Fig. 8B].

Regarding claim 27, the claimed one of the sources being a pre-recorded television programming information source is met by VCR 6, which serves to record information received over Cable 92 and provide it as an information source later [Fig. 6].

Regarding claim 28, the claimed pre-recorded television programming information source being a videocassette recorder is met by VCR 6 [Fig. 6].

Regarding claim 30, the claimed television programming information storage module, the control module being further configured to enable the device to selectively enable television programming information received by the television programming information receiver module from one of the sources to be stored in the television

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programming information storage module, and thereafter retrieved from the television programming information storage module and provided to the television programming information assembler module for use by the television programming information receiver module in assembling the television programming information is met by the VCR 70 of Figure 6, which serves to record programming information for later integration into the signal via the combiner 108.

3. Claims 31-38, 40-42, 47, 49, 51, 53-56, 59-62, and 66-68 are rejected under 35 U.S.C. 102(b) as being anticipated by McArthur US patent 5,805,806, cited by applicant.

Regarding claim 31, the claimed television program distribution arrangement for a home area network to distribute television programming information over a link to a plurality of television receivers is met as follows:

- The claimed television programming information receiver module configured to receive television programming information is met by the Cable Interface 10, which serves to receive television programming information from the cable in source.
- The claimed digital video recorder device that is configured to receive television programming information is met by the TV Interface STB as discussed in column 1, lines 50-55, which contains a mass-storage device configured to receive television programming.
- The claimed television programming information assembler module configured to merge the television programming information received by

the digital video recorder device and the television programming information receiver module into a unitary set of channels for distribution over the link to the television receivers of the home area network is met by the RF taps 12, which serve to tap video into and pull video information off of the daisy chained nodes, therefore assembling the merged television information including recorded video (from the VCR 22, such as a digital video recorder) and the cable in.

- The claimed control module configured to control operation of the television programming information receiver module, the digital video recorder device, and the television programming information assembler module is met by the Cable Interface 10, which serves to combine and control the entire system.

Regarding claim 32, the claimed digital video recorder device being configured to store digital form television programming information corresponding to the television programming information distributed over one of the unitary set of channels is met by the VCR 22 (which can also, as discussed above, be a Digital Mass-Storage Device), which serves to tap into the video line via RF tap 12 and record information from the video line [col. 9, lines 36-45].

Regarding claim 33, the claimed control module being configured to allow a user to select the television programming information that is stored in digital form in the digital video recorder device is met by the VCR's 22 ability to output it's video

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information onto one of channels 118-125, therefore making it viewable to any user of the system [col. 4, lines 15 – col. 5, line 12].

Regarding claim 34, the claimed digital video recorder device being further configured to allow retrieval of the television programming information stored in digital form therein and distribution of the retrieved television programming information over a selected channel of the unitary set of channels is met by the DVCR's 22 ability to record and broadcast from/onto channels 118-125 through VCR Interface 36 [col. 9, lines 36-45].

Regarding claim 35, the claimed control module being configured to allow a user to retrieve the television programming information stored in digital form in the digital video recorder device and distribute the retrieved television programming information over the selected channel to a selected one of the television receivers is met by the discussion of movie-on-demand delivery [col. 1, lines 50-55] and the discussion of broadcasting the information stored in the VCR 22 onto channels 118-125 via the VCR Interface 36 and RF tap 12, in order to make the video accessible to any one of the TVs or PCs [col. 9, lines 36-45].

Regarding claim 36, the claimed programming information of the unitary set of channels being distributed in digital form over the link to the television receivers is met by the discussion of the digital transmission rates in column 4, lines 24-26.

Regarding claim 37, the claimed digital form of the television programming information distributed to the television receivers comprising QAM digital waveforms is met by the discussion of QAM waveforms within the system in column 4, lines 39-45.

Regarding claim 38, the claimed digital form of the television programming information distributed to the television receivers comprising QPSK digital waveforms is met by the discussion of FSK waveforms within the system in column 4, lines 39-45.

Regarding claim 40, the claimed programming information being received by the digital video recorder device being in digital form is met by the discussion of the movie-on-demand delivery, wherein digital movies are transmitted [col. 1, lines 53-55].

Regarding claim 41, the claimed digital form of the television programming information received by the digital video recorder device comprising QAM digital waveforms is met by the discussion of QAM waveforms within the system in column 4, lines 39-45.

Regarding claim 42, the claimed digital form of the television programming information received by the digital video recorder device comprising QPSK digital waveforms is met by the discussion of FSK waveforms within the system in column 4, lines 39-45.

Regarding claim 47, the claimed source of the television programming information received by the digital video recorder device being a cable link is met by the VCR's 22 ability to receive digital input from the Cable In 15 [col. 9, lines 36-45].

Regarding claim 49, the claimed television programming information from the cable link being in digital form is met by the discussion of the cable in, which provides digital television signals to the in-house network [col. 4, lines 1-14].

Regarding claim 51, the claimed television programming information received by the television programming information receiver module being streaming video from a

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network link is met by the claimed LAN/video interface included with the PC. The LAN/video interface acts to receive video from a network and send it to the in home network through LAN/video interface 30 and RF Tap 12 [col. 7, lines 56 – col. 8, line 15].

Regarding claim 53, the claimed link to the television receivers of the home area network being a local cable connection is met by the use of the existing cable infrastructure [col. 4, lines 2-6].

Regarding claim 54, the claimed digital video recorder device being configured to communicate with a source providing the television programming information received by the digital video recorder device is met by the VCR Interface 36, which serves to communicate with the in-home network and the source of the television programming information [col. 9, lines 36-45].

Regarding claim 55, the claimed communications from the digital video recorder device to a source providing the television programming information being in a QPSK format is met by the discussion of FSK waveforms within the system in column 4, lines 39-45.

Regarding claim 56, the claimed control module including a remote control that is configured to communicate with a source providing the television programming information via the digital video recorder device is met by IR Game Controller 224 and IR Keyboard 222, both of which provide wireless remote control operation of TV Interface 34.

Regarding claim 59, the claimed at least one of the television receivers being a digital receiver is met by the TV Interface 34 and TV 18, which serves to receive digital television programming. Also, the claimed control module including means for controlling viewing of the television programming information distributed over the unitary set of channels via the digital receiver is met by the TV Interface 34, which controls the ability for the TV to receive the television programming from the stations being broadcast in the in-home network.

Regarding claim 60, the claimed control means comprising an IR remote control unit is met by the IR Game Controller 224 and IR keyboard 222, which both serve to control the reception and display of television programming.

Regarding claim 61, the claimed at least one of the television receivers being a set-top box is met by the TV Interface 34 and TV 18, which serves to receive digital television programming. Also, the claimed control module including means for controlling viewing of the television programming information distributed over the unitary set of channels via the set-top box is met by the TV Interface 34, which controls the ability for the TV to receive the television programming from the stations being broadcast in the in-home network.

Regarding claim 62, the claimed control means comprising an IR remote control unit is met by the IR Game Controller 224 and IR keyboard 222, which both serve to control the reception and display of television programming.

Regarding claim 66, the claimed unitary set of channels for the television programming information distributed over the link to the television receivers being

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defined by the television programming information received by the digital video recorder device from a source is met by the ability for the TV 18 and TV Interface 34 to use the programming information present after processing by the Cable Interface 10, in order to display and view the television programming information. Also, the claimed television programming information assembler module being configured to remove at least part of the television programming information from one channel of the unitary set of channels and substitute television programming information received by the television programming information receiver module in the one channel is met by the ability for the system to utilize channels 118-125 for substitution of standard cable in channels with locally generate video sources [col. 5, lines 4-47].

Regarding claim 67, the claimed control module being configured to allow a user to select the one channel is met by the inherent ability for the user to select what channel of channels 118-125 that he/she wants the local video programming modulated onto, the channel is then consumed and modulated by the PC [col. 4, lines 40-55].

Regarding claim 68, the claimed control module being configured to allow a user to select the television programming information received by the television programming information receiver module for substitution in the one channel is met by the same inherent teaching, wherein the user can select what channels he/she wants to substitute out of the original broadcast with insertion of local programming instead [col. 4, line 40 – col. 5, line 47].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz US patent 5,512,963, cited by examiner, in view of McArthur US patent 5,805,806, cited by applicant.

Regarding claim 9, Mankovitz teaches all of that which is discussed above with regards to claim 7. Mankovitz does not teach that the pre-recorded television programming information source comprises a digital video disk. McArthur teaches a system that contains a storage device (e.g., disk drive or CD-ROM) 96, within the PC 14, for use as a digital video disk, for storage and retrieval of stored television programming. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the discussed VCR in the Mankovitz system with the storage device (or digital video disk) in the McArthur system, in order to allow for higher capacity storage mediums and higher quality recordings as the recording technology progresses.

Regarding claim 19, Mankovitz teaches all of that which is discussed above with regards to claim 17. Mankovitz does not teach that the pre-recorded television programming information source comprises a digital video disk. McArthur teaches a system that contains a storage device (e.g., disk drive or CD-ROM) 96, within the PC 14, for use as a digital video disk, for storage and retrieval of stored television

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programming. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the discussed VCR in the Mankovitz system with the storage device (or digital video disk) in the McArthur system, in order to allow for higher capacity storage mediums and higher quality recordings as the recording technology progresses.

Regarding claim 29, Mankovitz teaches all of that which is discussed above with regards to claim 27. Mankovitz does not teach that the pre-recorded television programming information source comprises a digital video disk. McArthur teaches a system that contains a storage device (e.g., disk drive or CD-ROM) 96, within the PC 14, for use as a digital video disk, for storage and retrieval of stored television programming. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the discussed VCR in the Mankovitz system with the storage device (or digital video disk) in the McArthur system, in order to allow for higher capacity storage mediums and higher quality recordings as the recording technology progresses.

6. Claims 39, 43-46, 48, 50, 52, 57-58, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over McArthur US patent 5,805,806, cited by applicant, in view of Humpleman US patent 6,005,861, cited by applicant.

Regarding claim 39, McArthur teaches all of that which is discussed above with regards to claim 31. McArthur does not teach that the television programming information of the unitary set of channels is distributed in analog form over the link to the television receivers. Humpleman teaches a distribution network that can distribute analog television signals [col. 3, lines 10-30]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ability to carry

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analog signals into the overall system, in order to allow for a more complete system and one that can utilize all forms of programming, be it analog or digital.

Regarding claim 43, McArthur teaches all of that which is discussed above with regards to claim 40. McArthur does not teach that the digital form of the television programming information received by the digital video recorder device comprises an MPEG-2 format. Humpleman teaches that the network utilizes MPEG digital video, including MPEG video stored on the DVCR [col. 5, line 65 – col. 6, line 2]. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize MPEG digital format, in order to allow for a universal digital compression technique and the ability to easily add other equipment for use with the MPEG format.

Regarding claim 44, McArthur teaches all of that which is discussed above with regards to claim 40. McArthur does not teach that the digital form of the television programming information received by the digital video recorder device comprises an MPEG-4 format. Humpleman teaches that the network utilizes MPEG digital video, including MPEG video stored on the DVCR [col. 5, line 65 – col. 6, line 2]. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize MPEG digital format, in order to allow for a universal digital compression technique and the ability to easily add other equipment for use with the MPEG format.

Regarding claim 45, McArthur teaches all of that which is discussed above with regards to claim 31. McArthur does not teach that the television programming information received by the digital video recorder device is in analog form. Humpleman teaches a distribution network that can distribute analog television signals to the DVCR

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[col. 3, lines 10-30]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ability to carry analog signals into the overall system, in order to allow for a more complete system and one that can utilize all forms of programming, be it analog or digital.

Regarding claim 46, the claimed analog form of television programming information received by the digital video recorder device comprising standard NTSC analog waveforms is met by McArthur, column 4, lines 45-55, wherein he discloses a system that can receive NTSC format video.

Regarding claim 48, McArthur teaches all of that which is discussed above with regards to claim 47. McArthur does not expressly teach that the television programming information from the cable link is in analog form. Humpleman discloses a system that utilizes a cable link and analog signals [col. 3, lines 10-30]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ability to carry analog signals into the overall system, in order to allow for a more complete system and one that can utilize all forms of programming, be it analog or digital.

Regarding claim 50, McArthur teaches all of that which is discussed above with regards to claim 31. McArthur does not expressly teach that the source of the television programming information received by the digital video recorder device is a satellite link. Humpleman discloses a system that can utilize a satellite link to retrieve television programming information [col. 3, lines 25-35]. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a satellite network to receive

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video information, in order to get video information from many sources and integrate them into one viewing environment, as is the idea of the present invention.

Regarding claim 52, McArthur teaches all of that which is discussed above with regards to claim 31. McArthur does not expressly disclose that the link to the television receivers of the home area network is a digital communications link. Humpleman discloses the links within the system being Cat-5 twisted pair, or Ethernet links for digital communications. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a digital communication linking system in order to take full advantage of large bandwidth and digital communication throughout the system.

Regarding claim 57, McArthur teaches all of that which is discussed above with regards to claim 31. McArthur does not expressly disclose an analog receiver or a control module to control the analog receiver. Humpleman teaches a distribution network that can distribute analog television signals to television receivers [col. 3, lines 10-30]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ability to carry analog signals into the overall system, in order to allow for a more complete system and one that can utilize all forms of programming, be it analog or digital.

Regarding claim 58, the claimed control means comprising an IR remote control unit is met by the IR Game Controller 224 and IR keyboard 222, which both serve to control the reception and display of television programming.

Regarding claim 63, McArthur teaches all that which is discussed above with regards to claim 63. McArthur does not teach a system that utilizes a graphical user

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interface configured to allow a user to control operation of the digital video recorder device. Humpleman teaches the use of control software for interaction with the user, giving the user the ability to control the network and its resources (including the digital video recorder) [col. 7, lines 5-16]. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a graphical user interface to interact with the system, in order to allow the user a transparent view of the network without the need for the user to be aware of the intricacies and only focus on the network as a whole.

7. Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over McArthur US patent 5,805,806, cited by applicant, in view of Humpleman US patent 6,005,861, cited by applicant, in further view of Eyer et al US patent 5,982,445, cited by examiner.

Regarding claim 64, McArthur and Humpleman teach all of that which is discussed above with regards to claim 63. Neither McArthur nor Humpleman teach that the user interface is provided to the user in a picture-in-picture format. Eyer et al teach a data signal (user interface) that is provided to the user in a picture-in-picture display [col. 4, lines 58-65]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a menu to a user in a picture-in-picture format in order to enable viewing of the signal and the menu simultaneously.

Regarding claim 65, McArthur and Humpleman teach all of that which is discussed above with regards to claim 63. Neither McArthur nor Humpleman teach that the user interface is provided to the user in a translucent overlay format. Eyer et al teach a data signal (user interface) that is provided to the user in an overlay display [col.

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4, lines 58-65]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a menu to a user in an overlay format in order to enable viewing of the signal and the menu simultaneously.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Nixon (US patent 5,585,837) discloses a system for distributing local video signals and consumer cable television signals in the home network.

Oberle et al (US patent 5,389,964) disclose a system for substituting channels in a broadcast medium.

Stoel et al (US patent 5,905,942) disclose a system for distributing audio/video content from multiple sources to a multi-dwelling unit such as an apartment or hotel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
November 15, 2004


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